

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN MICHAEL HERRMANN and
CONCHITA HENARES HERRMANN,

Plaintiffs,

v.

ERIC POINTER, ET AL.,

Defendants.

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SA-24-CV-764-FB (HJB)

**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

To the Honorable United States District Judge Fred Biery:

This Report and Recommendation concerns *pro se* Plaintiffs' Demand for Emergency Injunction and Issuance of Criminal Charges. (Docket Entry 35.) Pretrial matters, "including any requests for injunctive relief" have been referred to the undersigned for consideration pursuant to 28 U.S.C. § 636(b). (Docket Entry 7, at 1.)

Plaintiffs seek an injunction based on alleged federal criminal violations by Defendants. (Docket Entry 35, at 1–3.) As private citizens, Plaintiffs have no standing to enforce federal criminal laws. *Gill v. State of Tex.*, 153 F. App'x 261, 262 (5th Cir. 2005) (citing *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973), and *United States v. Batchelder*, 442 U.S. 114, 124 (1979)). Accordingly, Plaintiffs' request should be denied.

For the reasons set out above, I recommend that Plaintiffs' Demand for Emergency Injunction and Issuance of Criminal Charges (Docket Entry 35) be **DENIED**.

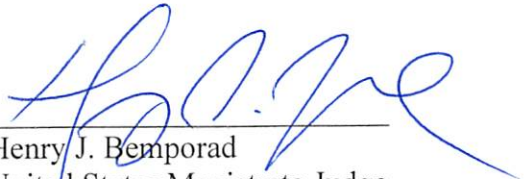
Notice of Right to Object

The United States District Clerk shall serve a copy of this Report and Recommendation on all parties by either (1) electronic transmittal to all parties represented by attorneys registered as a “filing user” with the Clerk of Court, or (2) by mailing a copy to those not registered by certified mail, return receipt requested. Written objections to this Report and Recommendation must be filed within **fourteen (14) days** after being served with a copy of the same, unless this time period is modified by the District Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

The parties shall file any objections with the Clerk of the Court and serve the objections on all other parties. An objecting party must specifically identify those findings, conclusions, or recommendations to which objections are being made and the basis for such objections; “objections that are frivolous, conclusory, or general in nature needn't be considered.” *Williams v. Lakeview Loan Servicing LLC*, 694 F. Supp. 3d 874, 881 (S.D. Tex. 2023) (citing *Battle v. United States Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987)).

A party’s failure to file written objections to the proposed findings, conclusions, and recommendations contained in this Report and Recommendation shall bar the party from a *de novo* review by the District Court. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985); *Acuña v. Brown & Root, Inc.*, 200 F.3d 335, 340 (5th Cir. 2000). Additionally, failure to file timely written objections to the proposed findings, conclusions, and recommendations contained in this Report and Recommendation shall bar the aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to, proposed findings and conclusions accepted by the district court. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc).

SIGNED on November 14, 2024.



Henry J. Bemporad
United States Magistrate Judge